

## REMARKS

AUG 17 2007

In a telephone interview on May 10, 2007, Examiner Zeender informed Applicants' attorney that claim 5 was allowable. It was decided that Applicants' attorney would FAX a proposed amendment to put the case in condition for allowance. On May 14, 2007, Applicants' attorney sent to the Examiner the proposed amendment by FAX. On May 23, 2007, Applicants' attorney received a voice mail message from Examiner Mussa Shawit, indicating that the proposed amendment would be entered and the application would be allowed.

Applicants' attorney has reviewed the Examiner's Amendment mailed on May 29, 2007 and noticed several errors. The present Rule 312 Amendment corrects these errors.

Claim 1, as set forth in the Examiner's Amendment, recites "providing said goods in reusable containers, said reusable containers having a radio frequency identification device and a memory". The addition of the word "said" was part of the proposed amendment sent to Examiner Zeender by FAX. However, the words "and a memory" are an error. These words were not in claim 1 prior to amendment, nor were they part of the proposed amendment contained in Applicant's FAX. If the Examiner had intended to add these words to claim 1, they would have been underlined. Since they were not underlined, they were not part of the proposed amendment, they were not part of claim 1 prior to amendment, and they were not part of the discussion between Applicants' attorney and the Examiner, they are clearly a mistake.

In claim 10, the Examiner's amendment adds the phrases "and a memory" and "from said customers", but does not underline these words. Again, these words were not part of claim 10 prior to amendment. Further, they were not part of Applicants' proposed amendment.

Claim 13 in the Examiner's amendment recites "providing said goods in reusable containers, said reusable containers having a radio frequency identification device and a memory." The words "a radio frequency device and a memory" were not part of claim 13 prior to the Examiner's amendment, and they were not underlined. Applicants' attorney respectfully submits that they were an error. The present amendment replaces these words with the phrase "an indicia attached thereto", which was present in claim 13 prior to amendment. It is also clear that deletion of this phrase was an error because without this phrase, "said indicia" in claims 14-17 would lack proper antecedent.

The other changes to the independent claims correct errors similar to claims 1, 10 and 13, discussed above.

The present amendment also corrects a minor error in claim 36.

If the Examiner's next action is other than entry of this Amendment, or he wants another copy of Applicants' FAX of May 13, 2007, or he has any questions or concerns regarding this Amendment, he is respectfully requested to telephone Applicants' attorney at (408) 732-9500.

Respectfully submitted,




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Pursuant to rule 37 CFR 1.8(a), the undersigned attorney hereby certifies that this document is being sent by facsimile to the United States Patent and Trademark Office on August 17, 2007 to 571-273-8300.

August 17, 2007  
Date

  
Signature